1886-007 Chancery Causes: Austin Bledsoe & wife vs. Samuel E. Robinett
Lee Co.

Golliher, Hix, Lawson, Roller, Maness, Bloomer, Fugate,
Barry, Hobbs, Stapleton, Tate, Moore

CA-Estate Dispute
T-Property

To the Hon. John A. Kelly Judge of the Circuit Court of Lee County Virginia.

The bill of Complaint of Austin Bledsoe, and Elizabeth Bledsoe his wife. Humbly Complaining sheweth unto your Honor: That heretofore, by a bill filed in the County Court of Scott County, upon the chancery side thereof there was by a decretal order rendered therein on the 14th day of Feb. 1867, partition made between the heirs of Jesse Robinett deceased: these lands lay mostly in the County of Scott, but one tract was situated in Lee C[illegible] and this tract was also partit[illegible] your female Complainant, was assigned a part of the tract by specifi[illegible] metes and bounds, Containing about 180 acres and bounded as follows "Beginning on a black gum and two dogwoods on L. "Blackwater Creek S. 7° E. 41 poles, to two large "whiteoaks S. 50° W. 138 poles to a Sycamore S. 31° E. "62 poles to a beech S. 8 poles to a beech S. 11° "E 20 poles to a chestnut on the top of a "ridge S 70° E 186 poles; thence S 55° W. 235 poles "with the old Conditional line to the Beginning" And to Samuel E. Robinett by the name

of Samuel Robinett there was assigned an adjoining lot or tract consisting of about 170 acres and bounded as follows viz: "Beginning on a black gum N 11° E. 48 poles "to a beech and black oak N. 7° E. 41 poles to a "gum and two dogwoods; N 55° E. 235 poles "with the old Connecticut line: N. 70° E 137 "poles to a beech, N. 30° W. 63 poles to a horn beam "on a branch; N. 17° W. 31 poles to a black oak "N. 31° W. 24 poles to a whiteoak; N 75° 210 poles to "the Beginning" Your Complainants allege that there is and was a great mistake made by said decree - Your Com... went into the possession of the ... signed them, by said Commissioners ... did said Samuel E. Robinett into the one assigned him - But the metes and bounds of said lots got transpose; Your Complainants are in the possession ... have been all the time of the lot so assigned them, but the metes and bounds thereof is properly the identical calls of the lot assigned Samuel E. Robinett and the lot held by Samuel E. Robinett is properly bounded by the calls of the lot assigned your Complainants - That the Commissioners made a mistake they actually assigned the lots as aforesaid

lot in their report & the decree confirming the same they assign Samuel E Robinett your Complainants lot, and assign him to them - Yet your complainants live on the lot so assigned in said report to Samuel E. Robinett, and he has and holds the lot assigned by said report to them. This mistake was not discovered until a few years about four years ago a difference arose between Samuel E. Robinett as to the 238 pole Constitucial line, when your female Complainant, sought advise and was about to institute an action of Ejectment for a part of s
when it was found that the l
which she - her husband lived u
signed as aforesaid - Your Complainants then requested said Samuel E. Robinett to convey this lot to them and they would convey to him and thus complete the title to each, this he refused and continues to refuse to do, and your Complainants are without remedy at at law -

The object of this bill therefore is to correct the mistake in said report and have assigned your female complainant the lot so heretofore actually laid off

her and heretofore occupied by her; & she is willing upon her part to convey the lot-one Samuel E. Robinett. To effect which she asks and prays that he may thereof as set forth by said former Commissioners a copy of which marked A. accompanies this bill as part-hereof be confirmed by actual survey. The prayer of your complainant therefore is that ~~Samuel~~ Samuel E. Robinett be made a party defendant to this bill and answer its allegations on a final on a hearing the mistake of Commissioners in that said Robinett failed to convey the lot assigned him to your Complainant & upon their conveying his lot to them And for all other further & general relief May Suppa visus &c..

A. L. Pridemore

Austin Bledsoe et ux

vs

Bill Chy

Samuel E. Robinett

Exhibit A filed.

1883 Octo 1st Bill Filed

" " Sum Ex & Ret.

Non E. N Confd

" " Ans filed & Contd

1884 Non Excpt & Contd.

" Aug. Continued

" Nov Continued

1885 Nov Contd. Aug & Nov

Nov Continued

To the Honorable John A Killey Judge of the circuit court of Lin county Virginia

The demurrer and answer of Samuel E. Robinett to the bill of complaint of Austin Bledsoe and Elizabeth Bledsoe his wife filed in your Honor court against this Respondent. Respondent is advised that complainants bill is not good and sufficient in law to call this respondent to answer for anything alledged therein, but that there is good and sufficient grounds of demurrer thereto and he does demur accordingly and prays judgment whether or not he shall make any further answer thereto and as &c. Not waiving his said demurrer but relying thereon respondent says he did not take possession of the land assigned him so soon as the plaintiffs took that assigned them; they (complainants) went into to possession of the land they now occupy in February 1867 and respondent did not take possession of the land he now occupies until in March thereafter, respondent took the land that commissioners told him but this land is not the same land which the plff chose & had been they had assigned to him, and they also assigned to this respondent told respondent that they had assigned him ten acres the most land to compensate for improvements that were upon the lands assigned female plaintiff

the land which the plffs are now in possession of & part of other land assigned to respondent

part of the land which plffs claim to have been injured by the same was assigned to defendant

Respondent would further show your Honor that complainant and respondent several years ago say about the year 1868 made arrangement to have a ditch dug, thought, the said land ditch and the fence was to be set just East of said ditch but for some reason or other Bledsoe abandoned his agreement after the ditch was dug & before fence built, respondent would also show that when the fence that runs through bottoms became delapidated, respondent & complainants agreed to make a partnership fence at cost of which the ditch was of several dug & the fence built on the line, the fence was begun but for some cause Bledsoe abandoned Bledsoe then proposed to respondent to get Mr Tate to run the line between them & set a fence on it, Mr Bledsoe got the courses of the division line but which it came neither complainant nor respondent knew the course & this effort was abortive, then the courses of all the lines as given by Surv. who run it was agreed that the said Tate should survey the said & portioned the land was procured, pursuant this division line & as to give respondent two acres more than they had made considerable progress towards that end Mr Bledsoe again declined to proceed, these repeated efforts thus thwarted by Bledsoe, made your respondent determined to have the line fixed & respondent told Bledsoe, who said he would see

his wife the final complainant and perhaps the respondent could fix the line & with that purpose ~~& ~~ plaintiff went into his dwelling & in a short time returned & told respondent, that his wife had told him, plaintiff to go with this respondent & fix this line & said plaintiff did so, and the line was run by Mr Lotin & the stakes driven and bushes marked many very many by the said plaintiff and each party took to that line and a fence was set upon it some time years ago and stands today, respondent has been at considerable expense in having the line surveyed and the fence built & and respondent is advised that it is an agreement about & to settle boundaries between estates 2 Story Eq 729 Smith's Leading Cases family matters, that in the interest of peace should be upheld and enforced in a court of chancery; that inasmuch as your respondent has been caused expense and labor to effect its adjustment, and that it has been fixed and respondent and plaintiffs both have taken and held possession in pursuance of said agreed line that so for at any rate as the life estate of the said Austin Bledsoe is

cancerned it is a binding agreement & your respondent would also shew your honor that said Austin Bledsoe is the husband of Elizabeth Bledsoe and has had by her issue born alive: Respondent would further shew your honor that he purchased of said plaintiffs a portion of the land which they commissioners were appointed to have a survey made of and they have deeded the same to respondent the original a copy of said deed is herein filed as part hereof marked which deed also includes other lands divided by respondent & plaintiffs & agreed (S & R) your respondent would shew your honor that if the line between them is run as plaintiffs now contend it should run, your respondent has purchased of them about eleven acres of his own land & that he is advised that on the principal "that they who ask, should do equity" if the court should hold the line to run as they contend that at least your respondent should be compensated in lands for these eleven acres: respondent insists that the line agreed on run & marked between him & plaintiff should be held as the true

one & to this line respondent is ready to convey if it is deemed necessary Respondent would further show your Honor that it seems to him exceedingly strange that he should be forced to incur the costs of the defence of a suit in equity under the circumstances, for which respondent is in no wise to blame, and it is equally strange to respondent that plaintiffs should expect him or even ask him to set aside an agreement made, & force set upon it & possession had & held under it for three years; and convey them land to a line beyond which ~~for which they have~~ respondents rode of it they have said respond & he has refused therefor: Respondent would now show your Honor that there are many erroneous inaccuracies in the ~~[redacted]~~ lines as given by the commrs. in their report & as will fully appear to your Honor from the accompanying filed as part hereof marked C & R 2 purporting to be a true diagram; the courses & given in comrs report of partition are shown as I. J. K. L. M. N. O. P would represent Robinetts land according to said partition & the lines 16. B. 6 D E F. G & H will show Bladders: the lands portioned to Jessie Robinett ancestor of respondent & complt according to the deeds is shown by lines 1. 2. 3. 4 5

6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16 & to 1. & contains 297 acres; the line marked by round dots represents the line agreed on by respondent & complainants & on which the fence now is; & it gives to respondent 142 & to plaintiffs 155 acres the old conditional line referred to in court Report is shown by the line from 20. 22. 20. 20. & is marked thus ++++, ~~Respondents~~ purchase of plaintiffs is shown by the red dyon & leading to the blue on the south of the diagram the bright red line is the one run according to the course & distance given by the court who partitioned it & is marked S 53° E 23 ½ the actual disputed land is about 4½ acres as shown on the diagram: Dyon ~~respondent~~ would show that he was to have ten acres then most land to compensate him for the improvements on the plaintiffs & the plaintiffs agreed when Tate was employed to run it that Tate would allow respondent ten acres then most for that purpose: respondent would also show that plaintiffs took as shown by the diagram

a conveyance from respondent of land not owned by the ancestor & was land belonging to their ancestor endeavored clearly showing error if the diagram is correct & respondent has been told it is: Your respondent is willing to abide the line agreed on although he claims 13 acres by it but should it be wrong in your honors opinion to enforce the agreed line that then your honor should decree the land so conveyed as to give respondent ten acres the most to compensate for the advantage pltfs got in improvement as was intended by the court who made the original partition & so divide as to give your court his eleven acres purchased of pltfs making 21 acres the most land he now having fully answered all that he is advised it is material for him to answer respondent prays to be hence dismissed with his reasonable costs &c in duty &c

Morison & Morgan
for Defr

Virginia, Lee County to wit
This day personally appeared before me
Jno A. G. Hyatt a Comr in Chancery for Lee Co and
State aforesaid Samuel E Robinett whose
answer is above written and made
oath that the statement contained in
the said answer, so far as made of his
own knowledge are true; and so far
as made from knowledge or information
derived from others, he, believes them
to be true, Given under my hand this
the 25-Th day of March 1884.

J. A. G. Hyatt
Clerk

Returned to intelineations March 26/1884
J. A. G. Hyatt Clk

Martin Bledsoe & Bro
U.S. Dem
Samuels Robinett

Demr's answer filed
by leave the court
at March Term
1884.
J. A. G. Hyatt
Clk

The within answer is excepted to because it does not
response to the bill, in its allegation of mistake in the
holding of the lots - and does not response to the alle-
gation that defendant refused to make mutual con-
veyances. Because the same is insufficient in setting up a
Parol Contract in reference to the Division line - And because
the female pefft is not bound by the line as asserted by the
defendant. March. 26/84 A. L Prideaux
for Defts.

Austin Bledsoe & wife Plff
against
Samuel E. Robinett Deft } Inchy

This
Cause came on this day to be
heard upon the bill & answer
an exhibits filed therewith an ap-
lication to said Answer, the depo-
sitions of witnesses the report of
L. M. Carmichael Surveyor, here-to-
fore filed and was argued by Counsel
on Consideration whereof and
for reasons appearing to the Court
it is adjudged ordered and de-
creed that the parties take and
hold the lands, by the division line
laid down on said Surveyors ~~report~~ plat
Beginning at K. thence to I, the Dogwood
and Gum, thence by the line S. 32¼ E.
on said plat to "L" the Shop, thence by
the calls of the plffs deed to the
defendant, to M. on said plat,
thence to N. fig 10. And that the plffs
make & execute to the defendant a
deed of release, to all the lands in
~~Controversy~~ Dispute lying to the [illegible] of said
line except the 11 acre tract already
conveyed, And that the ~~plff~~ Deft Samuel
E. Robinett make & execute a

deed of release to the ~~female~~ plff. for all the lands in ~~dispute~~ Cartwright lying to the Eastward of said line. And it is further adjudged that the ~~plff~~ plff and defendant ~~pay each the defendants~~ pay each one half the Costs of this suit to be taxed by the clerk and execution may issue therefor — And no further action being necessary the Cause is stricken from the docket, with leave to either party to re-instate for the purpose of enforcing the conveyances herein directed — And the Cause is so stricken from the docket.

Abstract Blackwood et al

Deed
Serial
Annual Volume
Entered Page 578-19
J. A. G. Hyatt C.C.

Entered
March 1886
Satisfaction on
to Sept
Satisfaction
Sept

Austin Bledsoe & wife

against } In Chy.

Samuel Robinett.

This cause came on this day to be again heard upon the papers formerly read and was argued by Counsel. On consideration whereof and for reasons appearing to the Court leave is given each party to re-take any depositions heretofore taken by them, and to further take any new testimony they may be advised to do so. And the cause is continued.

Austin Bledsoe & wife

v.

Decree

Samuel E. Robinett

Aug. T. 1885

Entered page 484.

J. A. G. Wyatt c.c.

Enter this

J. A. K.

Aug. 31 1885

Virginia Lee county to wit-

To Any Legally authorized
Officer of Said County- Greeting
I command you to Summon
Amos Roller Jno. Dix and
Hugh. Goldsbus. to appear
before me on the 3rd day
of August 1883 at my dwell-
ing house in Lee county Va.
to give Evidence on behalf of
Austin Bledsoe & Wife Vs.
Samuel E. Robinett in the
Circuit court of Lee county
Va in Chancery which evi-
dence are intended to be read
on the part of the Plaintiffs
and which you are required
to Have this writ on that day
and make return how you
have executed the Same
Given under my official Signa-
ture. Aug the 3rd 1883-

Jno. M. Lee J.P.

Austin Bledsoe &
wife

vs. } Sup.

Samuel E. Robson

We accept Service
of the within sum-
mons. Aug. 3rd 1883.

Accepted by
Hough & Gallaher
Jno. D. Hicks

Samuel E. Robinett Esq

TAKE NOTICE, That _____ on the 3 day of August, 1886, at the dwelling house of John Mc. Yates in Lee County Virginia

&c

will proceed to take the deposition of Isaac Robinett

which, when taken, are intended to be read as evidence on our behalf in a certain suit in Chancery now pending in the Circuit Court of Lee County, State of Virginia, in which we are _____ plaintiff and Your are _____ defendant .

And if from any cause the same be not commenced, or if commenced, be not concluded on that day, the taking thereof will be adjourned from time to time, and from place to place, until completed.

July 20 _____, 1886.

Very Respectfully,

Austin Bledsoe
Elizabeth Bledsoe his wife.

The Plaintiffs desireing to take other depositions
other than Bruce Robinett under the Notice
Notice and the construction of the Statute. Title 9
Chap. 15. Sec. 9 clause 12th code of 1873. Page 195
I am of opinion that Plaintiff can do so. Though
will not advise.

Jno M. Tate J.P.

The Parties all being present The Defendant agrees
and consents to take others Aug. 3rd 1883

Jno M. Tate J.P.

Samuel B. Robinett

Come to office 3rd Aug 1883

Jno M Tate J.P.

Austin Blackwell

vs

Wm Lee.

Witness the Seal of said Court. This the 3rd day of Aug. 1883.

Before me the undersigned Justice of the Peace for Monroe County, Miss. this the 28th day of July 1883 personally came and appeared Samuel B. Robinett - Plaintiff in the above styled cause and made oath that the statements contained in the foregoing Notice are true as he believes. Sworn to and subscribed before me this 3rd day of Aug. 1883

Jno M. Tate J.P.

Austin Bledsoe & Wife
vs.
Samuel E. Robinett

In the Circuit Court of Lee County Virginia

Deposition of Hugh Gollihur Amos Roller John Hix and Elbert Bledsoe and Thomas Lawson Jr.

Manroy Manns Robinett. Emily Robinett. Isaac W. Bledsoe. + Taken pursuant to notice and agreement of the parties on the 3rd day of August as commenced, and at the Dwelling house of Jno. M. Sale in Lee County Virginia which Notice is herewith filed and Marked (A) in the presence of the Plaintiffs and the Defendant.

Hugh Gollihur a witness of lawful age (65 years) after being duly Sworn deposes and Sais. About Seventeen or Eighteen years ago the Plaintiff and the Defendant both hired me to cut a ditch between them and both pair me for it; one half Each, and they boarded me equal, and my understanding the ditch was the dividing line between them.

1st Examination.

2nd By. Defendant.

What Difference did you conceive there was in the improvements

on the places that Plaintiff and the Defendant then occupied

Ans. By Witness

There was some difference, but I dont know what, the Plaintiffs had the best buildings, and improvements. And further Deponent saith not

his
Hugh x Gallahen
mark

witness claims
1 Days .50
35 Miles 2.80
$3.30

witness nonresident

John Dix an other witness of lawful age 43 years after being duly Sworn Deposes & Sais,

2 Question By Plaintiff

Please State all you may know about a conversation that occured between your self, and the Defendant, Mr. Robinett, about the line between myself, and and Mr. Robinett,

Ans by Witness I dont recollect what the conversation was. Mr. Robinett pointed to a place on the west, or South west, of the Shop, on the Side of a hill, he then pointed to a Stump to a point near the Shop, and then he Stated it was a Split line

to a Dogwood, and Something else, across the bottoms. This he Said was what was Said to be the Commissioners line. The point at the Shop was a bunch of bushes, I recollect one Small Poplar. I asked Mr Robinett a question about the fence whether or not the fence through the bottoms was on the line, his reply was that he did not Know whether it was or not.

And further more this deponent Saith not.

John his mark

1 Day 87.

Thomas Lawson an other witness of Lawful age 36 years, after being duly Sworn & Sworn and Sais,

2nd By Plaintiff

Please State all you may Know about the matters now in controversy between the Plaintiffs and the Defts.

Ans by witness

How come me to Know any thing about the matter, was this, I came up when the Plaintiff Elisabeth Bledsoe and the Defendant was talking, after the Suit was brought, Sais the Defe. to Plaintiff, I will make you a right

To the ~~Lower~~ East end (i.e. ~~lower~~ upper end) if you will make me a right to the ~~east~~ West end. She Sais will you, Mrs Robinett, move the fence back, his answer was, I am not able. and Sais to her for her to put it back (meaning Pfeffer.) Austin Bledsoe came out and Sais I have employed Dickerson to attend to it, and the way he settles it, That will be the way, and no other, The Plaintiff Sais to Mrs Robinett That She never put the fence there, Since my mind has been refreshed, I now think and are pretty sure this conversation occured before the Suit was brought but was anticipated.

X Examination

By Deft. was you acquainted with the premises before the divide was made, and can you describ the buildings

Ans. By Witness I was to Some extent. There was a chunk of an old house and probably an old Kitchen on the lower end. The House that the Plaintiffs now live in, on the upper end and a very trifling old Kitchen also. The buildings were Some better on the east end.

was Senior Editor

than they were on the west end.
I am not a Judge what the difference
was, but they were a heap better. I will say
from my best judgement and recollection
of the building at that time, that the
buildings on the East end now oc=
cupied by Plaintiff was worth some
Seventy five or one hundred dollars
more than the buildings on the west
end now occupied by Defendant

Q. Question By Defendant

Did you now hear Mrs Bled=
soe the Plaintiff in this case say.
The Deft was to have ten acres
the most in the divide.

Ans by Witness

Yes Sir She Sais this, that
the Commissioners Said they had laid
off ten acres more to the Defendant
than to the Plaintiff.
And further more this Defendant
Saith not

witness dent claim. × Marion Carson

Amos Bolen an other witness
of lawful age 60 years after being
duly Sworn deposes & Sais

2nd By Plaintiff

Please State all you may know about the divide the Commissioners made between the lands now in controversy what you saw and heard at the time the divide was made.

Ans by Witness

When I first saw the commissioners they were near the foot of the hill on the North Side of the valley. I dont recollect what they were doing. I dont recollect whether they Set the compass or not, but they went Through the bottoms, in the direction of a Stooping tree. They went up on a hill Side, and Sit down and Sit there a while, and got up and came back to us. Some of them Stated ~~that~~ and asked them how they run the line, and they Said they had cut off the Thicket to Austin on account of him being Sick and able to clean it out, and Stated they had run a Straight line through the bottoms, I mean the thicket on the South Side of the creek now cut off to Austin (the Plaintiff) and

what of the Thicket that was on the North Side of the creek, was cut off to Deft. Samuel E. Robinett and they Said they did not run with the old conditional line.

X Examination none.

And further more This deponent Saith not.

his
Amos X Roller
mark

Witness claims 1 Day. So.

Elbert Blessie an other witness of lawful age 22 years after being duly Sworn. Deposes and Says.

Qu. By Plaintiff

Did you or not See Geo. Fritz give Mr Samuel E. Robinett a notice the contents of which, was, that Said Samuel E. Robinett, had in that notice choice of either one of Said lanes now in controversy.

Ans. By Witness

Yes Sir I did, and Said John Fritz told Mr Robinett that he could keep the notice that day and hand it back to him in the evening and when Said Fritz asked him for it. Said Robinett refused to

hand it back.

Qu by Plaintiff

was your Mother willing to this last running that was done

Ans by witness

No, Sir She was not and said She would not stand to it

Qu by Plaintiff.

your Mother is Elisabeth Bledsoe the Plaintiff in this suit is She.?

Ans by witness

Yes Sir

Qu by Plaintiff

State any thing else you may know about the matters now in controversy between them.

Ans by witness

I was putting the Stock out of our field, I mean his Stock, and he, the Defendant Stated we must fix the fence on the line, So that the Stock would not brake over, and that was all or near the ole ditch.

X Examination

Please State if the paper hand me by Fritz. was read by you

and if So, what was in it. and was it a notice or an affidavit.

Ans by witness

I read a part of it and know it was a notice. I dont now recollect what the words were in Said part

2n by ~~Plaintiff~~ Deft.

Please State the words you read.

Ans by witness

I read So much of it; That I now recollect, That Said for Mr Robinett to take choice of places and balance of it I now dont recollect.

2n By Same

How long ago has that been

Ans by witness

I believe it has been about three years.

2n By Same

How long has the Plaintiff been living on this land.

Ans by witness

I think about Eighteen or Nineteen years. I was Small but that is my best impression.

2n By Same.

Do you or not recollect whether or not the courses was in that papers you call a notice.

Ans by witness

I dont recollect that they were. they may have been.

Qu By Same.

did you or not See or remember that these words were in Said papers. "I Samuel E. Robinett certify that the Commissioners made a mistake in the division of Said lands."

Ans by witness

I dont recollect that they were nor that they were not.

Qu by Same.

Did You or not ever hear Jonathan Say that he would not fix nor help fix this fence at the old ditch you Speak of until he could get the papers and have the line run So that he would know where to Set the fence.

Ans. by witness

I never did

Qu by Same

Did you ever help fix the fence where it now is, haul rock &c. and if so who else helped and did you hear your Father say any thing about the setting of the fence where it is now. if so please State what you heard him say.

Ans by Witness

Yes Sir I hauled rails to build said fence and hauled rock also. Father told me to haul the rock, & rails. and I did so, and the fence Still Stands there to

Qu by Same

Did you See the Commissioners when they come down to give their depositions in this case, or up to a Stake Stuck in the ground and Say that Stake was Standing at or near the line they had made, when they first divided said land, if so State what they Said and where was said Stake Standing. how far from the fence as it now Stands.

Ans by Witness

I Saw said commissioners and Saw the Stake it was Standing

in about ten feet of the fence where it now sets, and the commissioners said that the State was at or near the line they had run at the time the divide was made.

Qu by Sam.

Was you at the Shop when the commissioners was there at the same time they were down to give their evidence, i.e. what did they say about the corner at that place.

Ans by witness

All I recollect, only this, I think they said they ran close to the shop, and I am not positive how they said they run from there, but my best impression they said they run a straight line through the bottoms, or that they called, I don't remember which, to a dogwood & gum. and what they said about the dogwood & gum corner was this. they believed the dogwood & gum corner to be the place, but if they had to have went to it- they would have went lower down the hill.

(10
13)

Qu By Same.

Did you hear your mother say to not haul Said rails or did She say to haul them

Ans by witness

She did not tell me to not haul them, but She said She would not let the fence stand,

Qu by Same

Did you hear the Plaintiffs say that I was to have ten acres more land than they was to have in the divide.

Ans by witness

I have heard mother say so, but I dont mind that Father ever said so.

Qu by Same

Did you hear the commissioners say, when they was last down at the time they come down to give their evidence, that they assign me the west end to me and the east end to the Plaintiffs.

Ans by witness

They said the did Sign or aimed to Sign the west end to Defendant and the east end.

To the Plaintiff
And further more the
deponent saith not.

his
× Elbert Bledsoe
mark

witness claims 1 Day

The further taking of the
Deposition are postponed until the
5th day of Aug. at the same
place. Aug. the 3rd 1888

Jno. M. Tate J.P.

Met Pursuant to agreement at
9 oclock in the A. M. August the
5th 1888 Plaintiffs and Defendants
both being present.

Jno. M. Tate J.P.

Elbert Bledsoe at his instance desires
by the consent of the Parties that after due
reflection and seeing the paper referred to
in his foregoing Deposition that he makes
this correction in place of it's being a mistake
for the Defendant to take choice of the
places as referred to in his Deposition it
is only a paper including the courses that
the commissioners made (as a Testimony copy
shows) when they divided said lands

and on the back of the paper containing said courses is merely a form drawn up for Mr. Robinett the Deft. to admit that the commissioners committed an error in the assignment of the two lots of land and this was the paper handed to Defendant by Jno. Fritz for him to assign which he the Defendant refuses to do. and also refuses to hand the paper back to the said Jno. Fritz.

his
Elbert + Bledsoe
mark

Wa Robinett an other witness of lawful age 27 years after being duly Sworn deposes & says.

Question by Plaintiff

Does you or not know whether or not Elisabeth Bledsoe one of the Plaintiffs in this Suit was ever willing to this last running that was done meaning the running done by Jno. M. Tate.

Ans by witness She was not.

X Examination

Qu by Deft. Was you or not along at the time Jno. M. Tate done this running

Ans by witness

I was along one day up to 12 oclock in the A.M.

Qu by Same. Where did Tate run at the time you was there, and at what place on the Survey was he running.

Ans by witness.

I think it was on the north east corner of the part that the Plffs. now occupies.

Qu. by Same

Did you or did you not at any time before Jno M. Tate did this running, or after it was done, hear the Plaintiffs either of them or both of them say what the object of the running done by Tate was for, or at the time the running was done,

Ans by witness

I don't mind that I heard either of them say, before the running was done, or at the time it was done, or since it was done, what the object of the running was for.

Qu by Same

Did you know yourself what the running was done for.

Ans by witness. The Defendant said that Austin had some of the land above the ditch and he said he was going to have it run out. To the best of my recollection

Qu by Same

Did you or do you not know any thing about the fence that is now between us how it was made and by whom it was made, and the cause of it being made, and did you hear either of the Plaintiffs Say what it was building for.

Ans by witness The Defendant Elbert Bledsoe, Zachariah Robinett and myself. built the fence. the cause I dont know, I dont recollect that I heard either of them Say what it was being built for. I mean the Plaintiffs but Elisabeth Bledsoe said She was not willing for it to Stand there.

Qu by Same

Did or did not the Plaintiff Austin Bledsoe help build this fence.

Ans by witness yes Sir I think he did.

Qu by ~~witness~~ Same

was you or not along when Luther M. Carmichael the county Surveyor was running under the order of the court. if So you will please State where he run.

Ans by Same yes Sir I was along. he commenced at a large oak from thence to a dog wood and from thence through below Austins house and East of this fence Spoken

of over into the 18 bottoms and from thence
westward to a point near the Defendants Shop

Qu by Same But the Surveyor run on the course
down to the Shop when he ran the
last line you Speak of I mean the course
the court ordered him to run by.

Ans by Witness

I dont know whether he did or not.

Qu by Same

Was you present when they run to the
Shop. and was Frugate & Berry the
original commissioners who first divided the
land. there and if So Tell all you heard
them Say about the place. they run when
they first divided the land what they
Said about the Shop or near the Shop
being the one of the places they ran
from. and where they Said they ran
to when they left the Shop.

Ans by witness

Yes Sir I was present. and the com=
missioners Frugate & Berry was there. the
commissioners Frugate & Berry Said the Shop
was the place they run from and they
Said they ran by the old ditch but it
was growed up but was not certain as
to where they run as the land had been
cleared up Since. at the the time they run

the line it was growed up but they through the old ditch to be the line or near it but was not certain

Qu by Same.

Did you hear them say they run from the Shop to the dogwood corner a Strait line through the bottoms, and was you at the gum & Dogwood corner when the commissioners were there.

Ans by witness

I did not hear them say any thing about the Dogwood corner as I recollect of. and I done recollect whether I was at the dogwood and gum corner when Fugate & Berry was there.

Qu by Same Did you or not, at any time hear Austin Blackaw & Elizabeth Blackaw the Plaintiffs in this Suit; say that the Defendant, was to have ten acres the most land in the divide made by the commissioners.

Ans by witness No Sir. I never heard them say.

Qu. By Plaintiffs

Tell all you may know about cleaning up the old ditch where the fence set first.

Ans by witness

(over.)

Samuel E. Robinett Sais that the Plaintiffs Austin Bledsoe, aught to help keep the fence up as it was on the line and that he was willing to move it on either side of the ditch.

X Examined as to this last question.

2m. by Defs.

How long ago has it been since this conversation occured and was you helping me clean up the ditch.

Ans by witness I think to the best of my recollection it has been about twelve years ago when I was passing by is when he told me. I was not helping clean the ditch just passing by.

And further more this deponent Saith not.

his
witness claims 1 Day. 50 ct. Isa x Robinett
mark

Emly Robinett an other witness of lawful age 24 years after being duly Sworn deposes & Sais.

2m. by Plaintiffs.

was or not Elisabeth Bledsoe willing for the running done by Jno. M. Tait to Stand as a line between the Plaintiffs and the Defendants.

Ans by Witness

No Sir She Said not.

And further more This deponent Saith not.

witness claims 1 Day & of. Emily her × Robinett mark

Manervy Manuss an other witness of lawful age 18 years after being duly Sworn deposes and Says.

Int. By Plaintiff

Was or not Elisabeth Bledsoe one of the Plaintiffs in this Suit willing for the line made by Jno. M. Tate to Stand as a dividing line between the Plaintiffs and the Defendants.

Ans by witness

She was not.

And further more this deponent Saith not.

witness claims 1 Day & of. Manervy her × Manuss mark

Isaac W. Bledsoe an other witness of lawful age 20 years after being duly Sworn deposes & Says

Int. by Plaintiffs

Was or not Elisabeth Bledsoe one of the Plaintiffs in this Suit-willing for the line Jno. M. Tate run to Stand

as a dividing line between the Plaintiffs and the Defendant.

Ans by witness

No Sir She was not, and Since She wanted the line down at the old ditch, and She was going to have it there, or Spend the rest of her land.

Re Ex amination

2nd by Defendant.

How long ago has it been Since you heard the Plaintiff Say So.

Ans by witness To the best of my recollection it has been about four years ago.

2nd by Same.

was it after the present fence was built. She had this Table.

Ans by witness. yes Sir to the best of my recollection.

2nd by Same

Was you or not along when Luther M. Carmichael the County Surveyor and James P. Fryatt and James Berry was down, Carmichael as the Surveyor and Fryatt & Berry to give their testimony if So you will please State all you may know about what was done, and what

was Sain. what Fugate & Berry Shown to be the corners, and when they Sain they run.

Ans by witness I was not along all the time but I was along a part of the time. James Fugate & James Berry was there they commenced running at an oak & buck at the lane from thence to the dogwood & gum, and from thence through the bottoms just below Elberts there they Stopped. they then turned and ran in the direction of the Shop (Mr Robinsons Shop) Berry & Fugate Sain they had never run no Such a line as that. it from the dogwood & gum in the direction of Elbert Bledsoes in the bottom. they found the dogwood & gum but they the Sain commissioners if they would have had to a looke for it- they would have looked further down the hill. where the little Stake Stuck in the bottom that Elbert Bledsoe had reffrence to in his deposition. Fugate or Berry can Stand that it Stood at or near the place where they had run the line at the time they divided the lands. I think Berry & Fugate Sain they just Sighted the line through, and did not run it- but I am not Positive.

I don't recall whether or not Fryatt & Berry said they run a big bay line or a Strait line through the bottoms Fryatt & Berry both Stated that they owned the East end for Plaintiffs and the West end for Defendants but a mistake had occured in making out the papers.

Int by Same

Did you or not ever hear the Plaintiffs Say that the Defendant was to have ten Acres the most land in the division as was made by the commissioners.

Ans by witness. I heard mother Say that there was ten Acres more layed off to the Defendant than the Plaintiff has but I don't know which or not I ever heard my Father Say any thing about it or not.

And further more this deponent Saith not. Isaac W. Bledsoe

By the consent of the parties I now hos= pone the further taking of the Same deposition before W. C. Sprinkle Esq. at his dwelling house in Scott Co Va on the 7th day of Aug=

ust 1883 and the parties also agree and consent for me to note the Depositions in Scott for both of the parties, do both of their writing and keep them already taken until all are completed and let the Magistate of Scott certify to what he does, and return the same to me and let me send them all up together and they further agree if the Defendants to take any Depositions while in Scott the Plaintiffs waive their being further noticed, and the same can introduced along with these Depositions Plaintiffs and read as though the ~~Defendant~~ had been legally noticed,

Aug the 5th at 3 oclock in the P. M. 1883.

Jno. M. Tate J. P.

I. W. C. Sprinkle a Justice of the Peace in and for ~~the~~ County of Scott and State of Virginia do certify that Jno. M. Tate returned the foregoing Depositions to me, at my office in Scott county Va as for the above postponement, Signed by the said Jno. M. Tate officially, at 9 oclock in the A. M. August the 7th 1883.

W. C. Sprinkle J. P.

Austin Bledsoe + Wife } In the Circuit Court of Lee
vs. } County Va. in chancery.
Samuel E. Robinett } Deposition of Isaac. Robinett
Geo. W. Roller Jesse R. Blevins

Taken before me in my county at my office in Scott county Virginia according to the above postponement on the 7th day of August 1883 and in presence of the Plaintiffs and the Defendant.

Geo. W. Roller a witness of lawful age being introduced by the Plaintiffs and legally Sworn Deposes and Says.

Question by Plaintiffs
Did ~~You~~ You make the line near the ditch now.

Ans. by the witness
I remember nothing about the ditch

(X Examination
Was you or not one of the commissioners,

Ans. by witness I. was.

And further more this deponent saith not

his
Geo. W. X Roller
mark

Isaac W. Robinett an other witness of lawful age 43. years after being duly Sworn Before me Sais. All I Know is what the commissioners told me, where they were going to put the line between the two places now owned and occupied by the Plaintiffs and the Defendant, they Said they ~~they~~ was going to put the divi= sion line between the places on one side or the other of the old ditch, I dont mind which side of Said ditch. I never told the Defendant that the fence where it now Sets was on the line to the best of my Knowledge. I know nothing of the Bag= wood & gum corner.

X Examination

Qu. by Deft. How long was it before they made the line they had this talk.

Ans by Witness It was at the time they were then Surveying the lands.

Qu by Same

Did you or not at any time See them commissioners run the division line and Show or tell you where it was.

Ans by Witness I never Saw them run the line and all I know about is what I have above Stated.

Qui. by Same

was you acquainted with the places now in controversy. If So what would you think in your best Judgement is the difference between the two places in regard to the improvements at the time the divide was made.

Ans. by witness

I would have rather of had the improvements on the east end than to have had them on the west. but I have no particular estimate of the difference. The witness further States for the Defd. that he knew nothing of the old centinal line where it begins or where it ends nor where the commissioners made the dividing line only what they told him as above Stated. I don't know the beginning nor the end of the line made by the commissioners as a dividing line between the places now owned and occupied by the Plaintiffs and Defendant.

And further more the deponent Saith not.

Isaac, W. Robinett

Jesse R. Bloomer an other witness of lawful age 55 years after being duly

Sworn Deposes and Sais. All I know is what I heard James P. Fregate and James Berry two of the commissioners say Mr. Geo. W. Robb was not present. I asked them in regard to the centennial line how they had divided the two peaces Mr Berry Stated and Fregate was by, that they had made it- or near it- it with the old line, running with a row of bushes so as to throw the row of bushes off on the upper tract- now claimed and occupied by the Plaintiffs they also told me they had marked for a corner on the N. W. Side of the tract- on the upland on some small growth but they had forgotten what kind of timber it was. I have this to the drawing for the peaces This to Say I was present. James Berry drew for Elizabeth Bledsoe the Plaintiff the East end of the farm. and for Mr Samuel E. Robinett the west end. and which they now and always have occupied since they got possession.

X Examination

Did the Commissioners tell you where they began and where they ended in making the Division line.

Ans by. witness. They did not.

Qu by Same.

(over)

What difference would you make in the two places at the time they made the divide.

Ans. by Witness According to my Judgement I would have rather had the lower end (west end) now occupied by the Offi.

Qu. by Same.

Did you ever hear the Commissioners Say they made ten Acres difference in the divide on account of the buildings

Ans. by Witness

I heard the commissioners Say they have made ten Acres difference in their plat. It was not in accord with my Judgement, but they Said it was theirs and So it was I had to let them have their way, as it was none of my business particularly.

And further more this deponent Saith not. Jesse K. Bloomer

Witness claims nothing.

State of Ore. } I. W. L. Shrunkle a Justice of the
Linn Co. } peace in and for Said county certify That the foregoing Depositions of Geo. W. Potter Isaac. W. Robinson and Jesse K. Bloomer was duly taken Sworn to and Subscribed before me and in my presence and

reduced to writing by Jno. M. Tate by agreement of parties as to the proceedings and testimony of the ones taken by and before me, and I return them over into the hands of John M. Tate by consent of the Plaintiffs and defendant both being present.

Given under my office Signature August the 7th 1888

W. L. Sprinkle J.P.

J.P. Fee. W.L. Sprinkle $3.67

Hugh Gollihar witness	3.50	
Amos Rollen 1 Day. "	.50	
Jno. Hix " "	50	
Elbert Bledsoe " "	.50	
Thos Lawson " "	.50	
Ira Robinett " "	.50	
Emily " " "	.50	
Isaac W. Bledsoe " "	.50	
Manervy Manes. "	.50	
Jno. M. Tate J.P. 12 Hours.	9.00	
	$19.67	

State of Virginia } I Jno. M. Tate an acting
Lee County }

Justice of the peace in and for said county do certify that the foregoing depositions of Hugh. Gollihar Amos Rollen. Jno. Hix, Elbert Bledsoe. Thos Lawson, Ira Robinett Emily Robinett Isaac W. Bledsoe + Manervy Manes

was taken before me Sworn to and Subscribed by the witnesses by Mark. Thus X. Hc. in my presence and in my county and on the 5th & 6th days of August and reduced to writing by me and in the presence of the Plaintiffs and the Defendant as Stated in the caption

Given under my hand and official Signature August the 7th day 1883.

Jno. M. Sale J. P.

Austin Bledsoe & wife
vs.
Samuel E. Robinette

Deed from J. P. before whom taken and filed Aug. 18, 1883.
J. A. Hollingsworth

Comm'd. Fees $1.25
7.30
Writ
$1.75

Austin Bledsoe & wife
vs
Samuel E Robinett
} In Chy

The following Depositions were taken upon the lands in dispute, ~~by me~~ in the above styled cause, by me upon August 6th 1884

L. N. Carmical

James P. Fugate a witness of age being duly sworn deposes and says,

Question by Plaintiff. Mr Fugate were not you surveyor by order of Court, and made division and partition of Lands, owned by ~~Jesse~~ Robinett at his death.

Answer I was, with other commissioners viz James Berry and George Baller.

Question by same, You saw Mr Carmical run the line on S 55 E as called for in Your report, was that line as he run it, in the same place you run the line called for in your report- "S 55 E 235 poles with the old conditional line"

Answer We did not run where you run

Question by same, you saw Mr Carmical ~~runs~~ from a point on that line at a distance of 136 poles from the 2 dogwood & sourwood corner, S 65 3/4 W

54 poles, how far do you think the terminus of the 54 pole line was from a point on the S 55 E line as you run it.

Answer I run said line across the bottom with a thicket and I think perhaps a ditch, and said by the parties then here, to be the old conditional line. I cant say any thing deffinite about how far the west end of the 54 line you run was found said conditional line.

Question by same. Do you think the Dogwood the survey or run from to day the same you call for in your report as a "black gum & dogwood corner to the Elisabeth Bledsoe & Samel Robinett lots as you assigned them.

Answer I think it is, though if I had looked for the corner I would have looked lower down the hill—

Question by same, Which Lot did you assign Elizabeth Bledsoe, the lot East or West, of this conditional line.

Answer My recollection is that it was the East Lot.

Depend. did not cross examine—

And further more this witness deposes nat

James T. Fugate

Mr James Berry another witness of age being duly sworn deposes and says

Question by Pleff.

Mr Berry were you one of the Commissioners who made Partition of the Lands ~~occupied~~ owned by Jesse Robinett at his death.

Answer Yes Sir.

Question by same You saw Mr Carmichael the Surveyor run from the dogwood corner on S 5-5-E was that line as he run it in the same place you run the division lines between Elizabeth Bledsoe & Samuel Robinett's but when you made said Partition and assignment—

Answer No Sir it was not the place.

Question by same, You saw said Surveyor run from a point on said S 5-5-E line at a distance of 36 poles from said dogwood, S 65-3/4 W 5-4 poles was the western extremity of said 5-4 pole line near the conditional line you call for in your report "S 55-E 235 poles with the old conditional line," as you run said conditional line.

Answer I could not state whether it was near it or not. but when we run the line I think some of the parties said that we run with an old conditional line, I think it was with a thicket and a ditch part of the way.

Question by Sance Do you think the dogwood the surveyor runs from to day, The same you call for as a corner to the Lots you assigned respectfully to Elisabeth Bledsoe and Samuel Robinett, and described in your repast as a black gum & 2 dogwoods.

Answer I cant tell

Question by Sance Which lot did you assign to Elisabeth Bledsoe the Lot East, or west, of the conditional line you describe as running with a thicket and ditch

Answer East is my recolection

Defendant did not cross examine

And further more this witness deposes nat—

James his × Barry mark

To Austin Bledsoe & Elizabeth Bledsoe

You will please take notice that on the 18th day of August 1884 at the Big Lick church house in Lee county Virginia I will proceed to take the depositions of Thomas Hobbs & others which evidence are intended to be read in my behalf in an action at law now pending in the Circuit Court of Lee county Virginia in Chancery wherein You are the Plaintiffs and I am the Defendant and if from any cause the taking of said depositions should not be commenced or if commenced not completed I will adjourn from place to place from time to time if necessary until all are completed

Respectfully
Samuel E. Robinett

Virginia Lee & Co county

I James M. Moore an acting Justice of the Peace in and for Said county do certify that Thomas Hobbs personally appeared before me in my County Pine made oath into due form of law that he handed to Austin Blevins Jane Elizabeth Blevins a true copy of the within notice on the 16th day of August 1884

Given under my official Signature August the 18th day 1884

James M. Moore J.P.

Austin Blevins & wife
Jane
Summons & Notice
Served

Austin Bledsoe
and
Elisabeth Bledsoe
Vs
Samuel E. Robinett

In Chancery

In the Circuit Court of Lee County Virginia Depositions of Thomas Hobbs. Lewis Stapleton. Jno. M. Tate. Thomas Lawson. Col. Jno. A. Moore. and Einit Moore

Taken upon notice which is herewith filed at the Big door Church in Lee County Va Commencing on the 18th day of August 1884 which evidence are intended to be red in behalf of the Defendant in the above Stiled Suit befor me James M. Moore an acting a justice of the peace in and for Lee County Va in the presance of the Dept

Thomas Hobbs a witness of lawful age after being duly Sworn deposeth and Sais as follows,

Int. by Defendant—

You will State as near as you can all you may know about the

controversy now pending in the chancery court of Lee county Va. between Austin Bledsoe, Pltf vs. Samuel E. Robinett & Elisabeth Bledsoe, Defts. State any thing you may know about any agreement made by the Parties. what was done. What was agreed to by said parties. &c.

Ans by Witness

In the first place I was employed by Austin Bledsoe as a Chain Carrier to run out the entire Survey. That was said to be allotted to Samuel E. Robinett and Elisabeth Bledsoe. There seemed to be a difference where the division line should be. Bledsoe claimed a line that would cut off a part of Samuel E. Robinetts Meadow. to this Robinett did not agree from some cause or another they differed as to where the line should be. finally they did agree that we should run out the Entire Survey and then run a division line so as to give mr Robinett ten acres the most land. they both agreed that it was due that end of the Farm on the account of the buildings and that is what Austin Bledsoe and Elisabeth Bledsoe both said was the intention of the Commissioners who partitioned

the Land. we did make said Survey and found less land than had been reported by the Commissioners. and the first mining we done we found that the Corses of the Commissioners was wrong. when we found that nothing could be done with the Courses of the Commissioners. Mr Robinett then proposed to Mr Bledsoe. Now Austin you may run you off just what the Commissioners has allotted you. which is one hundred and seventy Acres. and I will take the balance for my share. as you may lay off me a hundred and Eighty Acres what the Commissioners allotted me. and you may have the Balance. to this Bledsoe did not agree but made this proposition. that Jno. M. Tate Joseph Fugate and myself might run the Entire Survey out. and lay off to Mr Robinett ten Acres the most land as a bove refered to. when we made the Survey we found that the line would run further upon Bledsoe than any of them expected and from that Bledsoe backed out from his own proposition. they then got into a Considerable Squabble and Mr Robinett

perposed to make a Strait line from the double dogwood and Gum to a walnut at the Stake and to this Austin Bledsoe and Elisabeth Bledsoe did agree, and we went and down the line and Austin Bledsoe drove the Stakes. after us and they did set a fence on said line. as was agreed. and the fence is standing there Still. after the fence was built I heard Elisabeth Bledsoe Say that She was Satisfied with it. and that she hoped that it was settled for good.

And further this Deponent Saith not:

his
Thomas + Hobbs
mark

The further taking of said depositions is adjourned untill August the 20th 1884 at Same place at 9 O'clock A. M. this Aug. the 16th 1884.

James M. Moore J.P.

Met pursuant to adjournment. present. Samuel E. Robinett the Defendant. (as was agreed.) this August the 20th 1884

Jas. M. Moore J.P.

The further taking of said Depositions is posponed untill Friday August the 22nd at the Same place. this August the 20th 1884 at ten O.Clock. Jas M Moore J.P.

Met pursuant to Adjournment the Defendant being present. and on account of a Meting being going on at the Meting house we Jospone Just down to my house a distance of two or three hundred yards untill half past ten O clock August the 22nd 1884 in Lubbock Va Jas M Moore J.P.

Met pursuant to Adjornment present Samuel E. Robinett the Defts. August the 22nd 1884 James M. Moor J.P.

Lewis Stapleton another witness of Lawful age. after being duly sworn Said as follows

Qu. by Defs:

You may Please State all you may Know about the Division of the land on Blackwater. Known as the Jesse Robinett Estate between Austin Bledsoe and Elisabeth Bledsoe, and Samuel E. Robinett heirs of Said Jesse Robinett now Decd. State who was the Commissioners what they done, and when and

how they ran the line. And also what they said about the Buildings whether or not the west end of said Estate was to have ten Acres the most. or ten Acres more than the East end. You may also state which piece of the place is now occupied by the Defl. and has been since the said Division was made.

Ans by witness

The Commissioners were Jas. P. Fugate Surveyor Geo. W. Roller and James Berry was the Commissioners I was at the house where Austin Bledsoe now Resides. at the time the division line was made. the commissioners walked off being desireous to be by themselves. they went a cross the valley. some where near the old shop place. on the South side of the Creek. which is near where Samuel E. Robinett now lives. they walked through the bottom and when they come back to the North side of the place and to the house where I was at they said that they had agreed for the line to run from a point near the shop to a point on the North side of the place probaby to the dogwood and gum. that is my best recolection. I am positive that they said it was to be a Strait line and they also stated that it was probable that they would

have to make another heirs part then. they said they could not tell untell they went back to Scott and done some runing there if there was only the two heirs parts there that was to be the line. and if three. there would have to be some alterations. they also stated. first. that the west end of the place was to have a hundred dollard the advantage on account of the buildings. then they did agree to lay off ten Acres the most land to the west end of the place. to Compensate for the one hundred dollars. the west end of the place is now occupied by the Dfft. Samuel E. Robinett. and and I heard Austin Bledsoe the Plaintiff in the matter say. that Samuel E. Robinett did draw the west end. and I and Elisabeth did draw the East end.

and further more this deponent saith not. Lewis his + mark Stapleton

Jno. M. Sale an other witness of Lawful age being Duly qualified Deposes and Sais.

I was called on by Austin Bledsoe. and Samuel E. Robinett to run a line. Said to be a division line made or understood to be made. by the Com's appointed to Partition the Lands of

Jesse Robinette now dead, Austin Bledsoe told me in the outset that Samuel E. Robinette according to his understanding was then in possession of two or three Acres of land that he believed to be his, according as the Commissioners had told him and that was this. he said they ran a straight line out of an old ditch and if so it would certainly take a part of said Robinettes land. I procured the courses made by said Commissioners and went upon the lands and found by said courses that it was quite different to what said Bledsoe expected.
After I related to Mr Bledsoe and Mr Robinette the condition I found this land in all the courses rang but one or two. Mr Robinette then said to Mr Bledsoe the Commissioners has said in their report that you are to have one hundred & Seventy Acres and I am to have one hundred and eighty Acres. Now Mr Bledsoe you can have Tate to run you off one hundred and Seventy Acres and I will take the balance. or you

may have him to run off me one hundred & Eighty Acres and you may have the Balance. to this the Said Bledsoe did not agree. but Said this. the Commissioners allowed ten Acres the most land on your end for the Value of the buildings now I do can run the entire Survey out calculate it: and lay off ten Acres the most land to you (the Said Robinett) and where ever the line is run by Said Dale as a division line that shall be the line. and in accordance with that agreement they procured Joseph Frizall. and Thomas Hobbs. as chain ~~chain~~ carriers. We run out the entire Survey of what was Said to be the lands owned by Jesse Robinett in his life time in Lee county Va. I found by making Said Survey less land than the Said commissioners had reported. and that by cutting off ten Acres the most land to the west end. ("the end that the Defd: now occupies") would considerably damage the Pltf: Bledsoe. and So Stated it to both the parties Jno Bledsoe appeared to be Sadly

disappointed in his calculation and appeared to be very much bothered, and finally backed out from his proposition and I did not run the line as was agreed laying off ten Acres the most to the west end, but finally Mr. Robinett the Defd. said to Bledsoe the Plff. - I will compromise on a straight line from a dogwood and gum bush said to be one of the corners made by the commissioners to a walnut near the shop to this Bledsoe agreed. I ran the line as was agreed both being present. Bledsoe driving the stakes. I began at the dogwood and gum bush as was shown me by the parties I ran on S 32¼° E. 127 links to the walnut near the shop as they shown me, and it was agreed by the parties to make and set their Fardonnship fence on said line. And I see since, the fence is set on the line as I ran.

Here recently Jas. T. Fugate said to be the Surveyor and Jas. Berry one of the Commissioners who Partitioned the lands was called on by the Plff

as I understood, to Show the lines as they have run originaly. to Gustus M. Carmichael Surveyor of this county I mean the Division line. I was present when they Showed what they recollected about it and when they were Sworn. they Showed the dogwood and gum bush. that I ran from when I ran the line agreed on by the parties. and Stated they ran a Strait-line from Said dogwood the gum bush to a point near the Shop. they both Shown me the place at the Shop. as being the place or about the place they made their corner when they made the division and Stated to me they ran a Strait line through the bottom passing along a row of bushes and they believed via. of an old ditch but was not certain as to the ditch but was certain they ran a Strait-line from the dogwood & gum to the point near the Shop

The line as ran by myself from the dogwood to the Shop on S. 32 1/4. E 12 7. links according to my calculation which I believe to be right calculating by angles with

give the Plffs something near thirteen Acres the most land. While it was agreed by the Plffs as above Stated that the object of the commissioners was to give ten Acres the most to the west end which is now owned and claimed by the Defts I ran and made a plat by actual running the Subtraction of the lands as shown by the original papers of Jesse Robinett, and also by the courses made by said commissioners, and I have since seen them among the papers of this Suit. They are right according to my best Skill and ability I found nothing Illegal done to be right, only one or two short lines, and so informed the Plaintiffs. I saw the bill filed by Plffs or said to be the bill. And it contains the same courses I procured from the Clerk of the County court of Scott Co. Va. certified to be the courses made by the Commissioners. And said courses cannot nor will not, show any thing to any man that he can see Sense out of by the said courses.

And further more This deponent
Saith not

Jno. M. Dale

Thomas Lawson another witness of Lawful age after being duly Sworn deposeth and said

Mr Robinett the Defft said to Elisabeth Bledsoe the Plft. in as much as there has been an error committed by the Commissioners in makeing their report- as Clerk as somebody. now Elisabeth if it is necessary for me to make you a title to the east end to save trouble and a lawsuit. I will do so. if you will make me a title to the west end the Plft. Elisabeth Bledsoe turned to me (witness) and asked me if that would be right- I told her it would be right. she then said to Mr Robinett will you put the fence back he sais. no I am not able to put it back. then he said to her you put it back she said I never put it there. when Austin Bledsoe come up he said to Elisabeth his wife you have Send Pridemore to attend to the matter and the way he settles it that is the way it will go. and no other. Elisabeth Bledsoe then said I will study the matter over and probably I will be over in a day or so. if not you will be passing and I will let you know.

and further more this deponent saith not

Thomas Canaday

Col. Jno. A. Moore another witness of Lawful age after being duly sworn Sais as follows. To wit

I was present at the time when James P. Fugate James Berry and Geo. W. Roller was dividing the Land that Jesse Robinett owned on black = water in Lee Co. Va. between the heirs. James P. Fugate was the Surveyor. I was present when they was closing up their survey. I heard them say that if they had Only two heirs parts of this land on black water ~~that they would all~~ in as much as they Considered the land of Equal Value pr Acre that they would give One hundred dollars the advantage. or ten Acres the most land. to the west end. on account of the buildings.

Dec by Defft:

It is understood from the Statement made above, That the Said Commissioners Valued the lands of equal value pr Acre. and That in dividing the lands giveing an equal Amount of Acres to each, and the Said Commissioners as you understood made a diffrence of one =

hundred dollars in Valuation on account of the Buildings. if this be so, did Said commissioners Say in your presence that they was allowing ten Acres the most land to the west end. in their Division.

Ans by witness

They allowed ten Acres the most land to the west end in consideration of the one hundred dollars.

Qu by Same

Are you now and was then a contermineus owner of land immediately lying west of Said land. and were you or not acquainted with the land. if so, State if the ten Acres was enough difference in the two pieces as was run and divided by Said commissioners.

Ans by witness.

I was. and am now. and I am acquainted with the said lands. and I did not think the ten Acres was enough difference to make.

Qu. by Same.

Did you See Said commissioners run Said Division line. if not. what did they do.

Ans by witness

They did not run the line. they only set on a degree. and said that that degree would do. that they could make a plat from the degree. and that would save them from coming back. in case there was only two Shares. down here. and further more this deponent saith not.

John A. Moore

The further taking of said depositions is hereby posponed untill tomorrow morning 9. O Clock at same place. this August the 22.nd 1884

James M Moore J.P.

Met pursuant to Adjournment. No witness appearing the further Taking is hereby posponed untell Monday August the 25 1884 at same place this August the 23rd 1884

Jas. M. Moore J.P.

Met pursuant to adjournment present Samuel E. Robinett Esqr. this 25th day of Aug. 1884

Jas. M. Moore J.P.

Emit Moore another witness of lawful age after being duly sworn deposeth and says

Qu. by Defs.

Mr Moore you will please State all you may know of what the Plfs. Austin Bledsoe said to you. and in your presence after the Defendant Mr Robinett, and Plfs. had their lands resurveyed by Jno. M. Tate. Thos. Hobbs and Joseph Bryate,

Ans. by Witness

He and Dock Anderson was at Mr Bledsoes sometime after the land was divided by Mr. Tate and others. I said to mr. Bledsoe. Mr Robinett has cut off a nitesmart piece of your land hant he Mr Bledsoe said. yes sir. he has taken off some of it but I dont care. for I have got thirteen Acres the most land I get.

and further more this deponent saith not

Emit Moore

Poor Quality Original. Best Possible Capture

State of Virginia
Lee County } I Jas. N. Moore a Justice of the peace in and for the above named County and State do hereby Certify that the foregoing depositions of all the persons whose names is ~~about~~ shown in the Caption and whose names are signed at the close of each ones deposition. Was duly taken and Sworn to befor me on the 18th day of August 1884 and at subsequent times and that the same has been in my Ceare all the while. and that I have handed them to the Clerks of the Circuit Court of Lee Co. Virginia on this the 26th day of Aug. 1884. and I furthermore Certify that they were unaltered.

Given under my hand and official Signature this the 26th day of Aug. 1884

James N. Moore J.P.

Bill of Cost

Thos. Hobbs	witness	one day	50
Lewis Stapleton	wit.	one day	50
Jno. N. Tate	wit	one day	50
Thos Lawson	wit	one day	50
Col Jno. A. Moore	wit	one day	50
Emit Moore	wit	one day	50
			$3.00

Total cost of witnesses

Jas. M. Moore J. P. Employed 10 hours at 75 per hour. Making $7.50

3.00

Total of Cost 10.50

Given under my hand

This August the 1884

Samuel E. Robinett
ads Depo.
Austin Bledsoe

Rec'd from the Justice
before whom taken
and filed Aug. 26/87.
J. A. Gostyatt
Clerk

J. P. fee $1.50
Wit 3.50
$10.50

Virginia Lee County to wit
This day Austin Bledsoe personally appeared before me and made oath, that on the survey made by L. M. Carmichael in the Chancery Cause of myself and wife against Samuel E. Robinett, there was lines and Corners asserted and run which affiant is informed and verily believes does not nor never did belong to the Land owned by Jessee Robinett from whom the land descended to affiants wife & Said Samuel E. Robinett, that he verily believes he can disprove these facts if given time until the next term of the Court and that he is advised by his Counsel this proof is material to his Cause.
Affiant further states that he has other testimony which he has not taken because he relied upon the witnesses being present at the survey, but they were not present, that said testimony is as he is advised material to the trial of his Cause, that one of the main witnesses resides in the State of Tennessee, that this witnesses deposition can & will be

taken by the next term of the Court; as will all his testimony if not providentially hindered - That for these reasons he desires a continuance of the Cause at this term of the Court, and that it is not for the purpose of delay this Continuance is asked. Given under my hand this March 24/84.

J. A. Hyatt Co. C

Austin Blackwood's

P. Bell Affidavit

Samuel E. Rodgers

No diligence appears - but as the report has not been filed 10 days Continue

Beginning on a beech & White oak, the corner of Thos Roberts & Wm Roberts Junr. thence South of east to a Gum marked by Wm Roberts Junr near a branch thence same course to a sweet Gum made by Thos Roberts, thence S 43 E 4 poles & 13 links to a small Sycamore on the north bank of Black Water Creek thence crossing the same S 41 E 4 p to 2 small cedars thence S 29 E 4 p to a stake thence S 68 E 5 p to a small Sycamore, thence S 40 E 34 p & 25 links to a small Sugartree N 46 E 6 p to a Gum on the point of a hill thence N 67° 30" E running to a sugartree a corner made by Thos Roberts & John Roller thence Southeastwardly with a conditional line made by Roller & Thos Roberts running to the top of the hill with the conditional line & with the line along the top of the hill to a beech & ash a corner made by Thos Roberts thence S 70 W running with a line of Jessie Robertts to a line of George Rollings & thence South eastwardly with the meanders of a Holland, a conditional line running to a stake in a line of fifty acres of John Roller survey N 60 E running along in the line to a line of John Preston thence N 70 E running to a White oak N 10 E to a branch thence Northwestwardly running with the South side of the bank of said branch to a Sugartree a corner made by John Roller & Amos Roller thence Northwestwardly with a conditional line to a Black oak corner

& thence northwestwardly running with the meander of the hill to the line of Thos Roberts 100 acre tract & with the same N 35 W to a sugartree & double beech thence S 50 W 17 p to a white oak thence S 74° W with an original line of Osborns 600 acre survey tract to a stake in said line thence Southwestwardly with a conditional line made by Wm Roberts & Son back line to the Beginning Deed of John Boller to Jesse Robinett

Beginning at a Maple & a beech a corner of the 400 acre survey patented to Thos Asbom thence back the old line N 35° W to a conditional line between Wm Roberts Sr. & Thomas Roberts thence N. Westwardly on the conditional line to a white oak a corner to a 20 acre piece thence a small offset till it comes to a Beech opposite the grave yard thence on the same course mentiond heretofore to a Sugar tree, thence to a white oak & straight on to the branch, then up the branch with the same line on the point of the ridge, then Northwardly with a line made between Wm Roberts Sr. & John Asbom to a beech & white oak & red oak at the corner of the Taylor field then southeastwardly on a conditional line made between Wm Roberts Sr. & Thos Roberts to 3 little oaks in a bunch to one white oak & 2 red oaks, then Southwards to a gum at the walk log thence straight on to a gum a corner of John Rollers land thence with his line to the sugar tree corner, thence with his lines eastwardly to a sugar tree a corner of a conditional line made between John Rollen & Thos Roberts, in dividing a piece of land they purchased of Col John Preston thence Southwardly up the point of a ridge to a white oak on the on the point of the same, thence along the

top of the Dame to a Ash tree Beech & Dogs tree at Prestons line thence South westwardly on Prestons line to a Chestnut corner near the top of the ridge & thence Northwestwardly on the same line till it strikes the back line of a hundred acre survey of Thos Roberts thence westwardly to the Beginning —
Thos Roberts to Jesse Robinett

Bledsoe & wife

v

Samuel E Robinett -

The object of this bill is a plain and simple one That of the mistaken assignment of the lot of land, one the pltffs to the defendant & vice versa. That way and is the whole - The bill alleges bounds of each and the copy of the record from Scott verifys it.

The answer partially admits this to be true, by saying the land is so held only in part, but does not specify how much - and then proceeds at great length to argue the case - first saying the Comrs told him they had assigned him 10 acres at most - Exactly what the pltffs say that they are assigned 180 acres that ought to have been assigned the defts & that he has 170 acres which should be assigned them -

He then sets out entirely new matter as to a contract of diversion with the male pltff. and claims that as the line and to hold to it for his the male pltffs lifetime and then gives his version

where that line is. This part of his answer is not responsive to the bill and is foreign to its object - let first the mistake be corrected - let the object the bill confessed or denyed and the issue on that settled & then if the plff when the defendant conveys to them as he understands the division line will not accept it the controversy as to that can be then made an issue & settled -

The answer then sets up a wholly different matter, that of purchase from the plff by the defts of 11 acres to which they have made him title what can that have to do with this case if that has been done then & the plff had no title the covenants of their deed in remedy or rescision of the contract - they in no way seek or desire to hold land they have deeded they wish & offer to deed him all that is due him upon the fair consideration that he does the same - A mere exchange of titles to perfect the chain of each is the whole question.

He then asks that to be put to oath why did not convey or offer

to convey when brought to do so why stand out - & come into Court and defend, unless ready & willing to submit to his own folly.
He then seeks to escape by the errors in lines, of the old Survey - Her very thing of which pltffs complain and seek to have corrected and the very thing he is here resisting - He then says the pltff have cut in their boundary which did not belong to the ancestor, if so they should not be held accountable for it but should have an equal division with defendant in value - And while he claims to accept the most he can no where does say he has an equal & more than equal share.

To the answer there are exceptions which should be passed upon.

There is a quantity of depositions and surveying done at great expense on the points set up in the answer which all confirm, that bell is correct in the main

the mistake if other mistakes exist let them be corrected and if needs be a new partition, equitable to both be made. The pltf is willing for a new divide, by fair Commissioners who will divide the land equally as it was at first - The pltff to have what they live upon the deft's land - Thus Correcting all mistakes

Submitted for the pltff

A. L. Pickens

Bledsoe
2 Affidavits
Rebuttal